



So Ordered.

Robert E. Littlefield, Jr.  
Chief, United States Bankruptcy Judge

Signed this 31 day of May, 2013.

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

In re:

MICHAEL E. DEMIAN and  
CAROL SAPCOE DEMIAN,

Debtors.

**ORDER REINSTATING  
CHAPTER 13  
BANKRUPTCY**

Case No. 08-10354

Chapter 13

---

The Debtors having filed a motion with this Court requesting that this Court reconsider its prior Order of January 10, 2013 which dismissed the Debtors' Chapter 13 bankruptcy, and the Debtors having presented proof of service of said Notice of Motion and Motion upon the United States Trustee, the Chapter 13 Trustee, and all creditors and necessary parties, and limited opposition to the requested relief having been filed by only the Chapter 13 Trustee requesting that any such Order include a provision permitting the said Trustee to seek an ex part Order of Dismissal without prejudice should the Debtors not convert to a Chapter 7 proceeding or modify

their Chapter 13 Plan to address a plan default within 30 days of the date of this Order, and this matter having come to be heard by this Court on May 9, 2013, with the Debtors consenting to the Chapter 13 Trustee's request, and this Court having duly considered the motion and deemed the requested relief to be in the best interests of the Debtor and the bankruptcy estate, it is hereby

ORDERED that the prior Order of this Court, dated January 10, 2013, which dismissed the within Chapter 13 bankruptcy without prejudice, is hereby vacated, and it is further

ORDERED that the Bankruptcy Clerk shall reopen this proceeding , with the Chapter 13 Trustee administering the bankruptcy accordingly, and it is further

ORDERED that the Chapter 13 Trustee shall be permitted to seek an ex parte Order of Dismissal without prejudice in the event the Debtors do not either convert this bankruptcy to a Chapter 7 proceeding or file a motion under Section 1329 of the Bankruptcy Code to modify their Chapter 13 Plan to address a plan default and serve said motion on all creditors on 21 days' notice within 30 days of the date of this Order.

#####

#####